

REMARKS

Claims 2, 4-17, 19-29 and 31-38 were previously pending in the application. By the Amendment, Claims 4 and 19 are currently amended, Claim 31 is canceled without prejudice, new Claim 39 has been added, and Claims 2, 5-17, 20-29 and 32-38 remain unchanged.

Applicants thank the Examiner for the telephone interview with Applicants' Attorney Craig Loest. Applicants' Attorney and the Examiner discussed the Shimizu reference (US 6,814,219) and Applicants repeated that Shimizu is not prior art for the present application. The Examiner requested that Applicants submit a written response and the Examiner will address the matter.

Claims 32-36 were rejected under 35 USC §102(b) as being anticipated by Cornacchia (US 5,108,255). Claims 2, 4-17 and 19-29 were rejected under 35 USC §103(a) as being unpatentable over Lemelson (US 3,788,500) in view of Shimizu (US 6,814,219). Claims 37-39 were rejected under 35 USC §103(a) as being unpatentable over Cornacchia in view of Lemelson.

Regarding Claims 2, 4-17 and 19-29, Shimizu is not prior art for the present application. Applicants previously provided a more detailed description regarding the filing and publication dates of Shimizu and the present application on page 11 of Applicants' "Amendment A", dated March 16, 2005. Applicants respectfully request the rejection of Claims 2, 4-17 and 19-29 involving Shimizu be withdrawn because Shimizu is not prior art.

Lemelson does not disclose the subject matter defined by independent Claim 4. Therefore, Claim 4 is allowable. Claims 2 and 5-17 depend from Claim 4 and are allowable for the same reasons and also because they recite additional patentable subject matter.

Lemelson does not disclose the subject matter defined by independent Claim 19. Therefore, Claim 19 is allowable. Claims 20-29 depend from Claim 19 and are allowable for the same reasons and also because they recite additional patentable subject matter.

Independent Claim 32 recites an apparatus for at least one of loading and unloading goods units to and from a transport compartment, the apparatus comprising: a

support beam extending in a substantially horizontal direction; a crossbeam extending in a direction substantially transverse to the support beam and having a first end and a second end disposed opposite the first end; a first leg connected to the first end of the cross beam and extending downwardly in a substantially vertical direction from the crossbeam; a second leg connected to the second end of the cross beam and extending downwardly in a substantially vertical direction from the crossbeam, the first and second legs being movable toward one another to clamp the goods units and away from one another to release the goods units; and a hydraulic cylinder connecting the crossbeam to the support beam, the cylinder being movable between a retracted condition, in which the crossbeam is moved toward the support beam to lift the goods units, and an extended condition, in which the crossbeam is moved away from the support beam to lower the goods units.

Cornacchia discloses a palletizer having a support beam (18) and a carriage (70) that travels along the beam (18). A container pick-up frame (53) is mounted for pivotal movement and head fingers (55) are connected to a slidable part (57). Cornacchia disclose a traditional forklift style lifting mechanism having two forks, or head fingers (55), extending in a horizontal direction underneath the carton between the carton and the floor to support and lift the carton. The palletizer then moves the carton to the desired location and retracts the head fingers (55) to drop the carton in the desired location.

Cornacchia does not disclose, among other things, “a first leg connected to the first end of the cross beam and extending downwardly in a substantially vertical direction from the crossbeam” and “a second leg connected to the second end of the cross beam and extending downwardly in a substantially vertical direction from the crossbeam,” as recited in Claim 32. The Examiner contends that the head fingers (55) of Cornacchia disclose the first and second legs recited in Claim 32. The head fingers (55) do not extend in a *vertical direction* from the crossbeam. Rather, the head fingers (55) extend in a *horizontal direction*.

In the “Response to Arguments” section of the Final Office action, the Examiner discusses the pivoting feature of Cornacchia. The Examiner correctly notes that Cornacchia does pivot. In fact, the pivotal movement structure appears to be the primary

feature of the Cornacchia device. However, this pivotal movement is about a vertical axis, identified as the pivot shaft (34). The head fingers (55) remain extending in a **horizontal direction** throughout the pivotal movement on the head fingers (55) about the pivot shaft (34). This vertical orientation of the pivot axis does nothing to change the fact that Cornacchia only discloses the head fingers (55) extending in a **horizontal direction**. Cornacchia discloses nothing that would teach or suggest otherwise.

In addition, Cornacchia does not disclose, among other things, “the first and second legs being movable toward one another to clamp the goods units and away from one another to release the goods units,” as recited in Claim 32. Rather, Cornacchia discloses the head fingers (55) being **fixed** with respect to one another. In the “Response to Arguments” section of the Final Office action, the Examiner correctly notes that the head fingers (55) are movable and extend and retract. However, Cornacchia only discloses the head fingers (55) extending or retracting together as a single unit. The head fingers (55) are attached directly to the finger attachment plate (56). Cornacchia provides no disclosure that the head fingers (55) are movable separately or independently with respect to one another. The head fingers (55) may be movable with respect to other elements of the device, but the head fingers (55) are **not movable with respect to one another**. Cornacchia discloses nothing that would teach or suggest otherwise. Therefore, all the elements of Cornacchia are not disclosed in Cornacchia.

For these and other reasons, Cornacchia does not disclose the subject matter defined by independent Claim 32. Therefore, Claim 32 is allowable. Claims 33-38 depend from Claim 19 and are allowable for the same reasons and also because they recite additional patentable subject matter.

Independent Claim 39 recites method of moving goods units having a base between a loading region and a transport compartment, the method comprising the acts of: providing a conveying unit including a support beam, at least one gripping unit having two legs being movable with respect to one another to engage the goods units, and at least one lifting unit connecting the gripping unit to the support beam; positioning the gripping unit adjacent the goods units in at least one of the loading region and the transport compartment; engaging the goods units with the gripping unit by moving the

legs toward one another to clamp the goods units and apply opposing forces on opposite sides of the goods units; lifting the goods units off of the base with the lifting unit; transporting the gripping unit and the goods unit to the other of the loading region and the transport compartment; lowering the goods units back on the base with the lifting unit; and disengaging the goods units from the gripping unit by moving the legs away from one another to unclamp the goods units.

Cornacchia, does not disclose, among other things, “engaging the goods units with the gripping unit by moving the legs toward one another to clamp the goods units and apply opposing forces on opposite sides of the goods units,” as recited in Claim 39. As described above, the head fingers (55) of Cornacchia are fixed with respect to one another. Cornacchia does not disclose the head fingers (55) moving toward one another or away from one another. Also, Cornacchia does not disclose clamping the goods units with the legs. Rather, Cornacchia only discloses positioning the head fingers (55) below the goods and lifting the goods like a traditional fork lift device.

For these and other reasons, Cornacchia does not disclose the subject matter defined by independent Claim 39. Therefore, Claim 39 is allowable.

CONCLUSION

In view of the above, entry of the present Amendment and allowance of Claims 2, 4-17, 19-29 and 32-39 are respectfully requested. If the Examiner has any questions regarding this amendment, the Examiner is requested to contact the undersigned. If an extension of time for this paper is required, petition for extension is herewith made.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Craig J. Loest", with a stylized flourish at the end.

Craig J. Loest

Registration No. 48,557

February 21, 2006

BSH Home Appliances Corp.
100 Bosch Blvd
New Bern, NC 28562
Phone: 252-672-7930
Fax: 252-672-4523
craig.loest@bshg.com